

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-THIRD LEGISLATURE

FIRST REGULAR SESSION
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Penmor Lithographers
Lewiston, Maine
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school officials, including an attorney for the school, who need the information to comply with the provisions of this paragraph.

(6) School personnel who assist the department in making the child available for the interview or who otherwise comply with this paragraph are "participating in a related child protection investigation or proceeding" for purposes of section 4014.

Violation of this paragraph subjects any person involved in the violation, including individual school personnel, to the penalty provided in section 4009. This section does not apply to out-of-home abuse and neglect allegations as covered under section 4088.

See title page for effective date.

CHAPTER 133

H.P. 911 - L.D. 1293

An Act To Enhance Protection against Rabies in Wolf Hybrids

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 22 MRSA §1313, as amended by PL 1999, c. 731, Pt. Q, §1, is further amended to read:

§1313. Procedures for the transportation, quarantine, euthanasia and testing of animals suspected of having rabies

1. Establishment of procedures. The commissioner, in consultation with the Commissioner of Agriculture, Food and Rural Resources and the Commissioner of Inland Fisheries and Wildlife, shall adopt rules, in accordance with the Maine Administrative Procedure Act, establishing procedures for responding to a report of an animal suspected of having rabies. The procedures must include provisions for the transportation, quarantine, euthanasia and testing of an animal suspected of having rabies and, when that animal has bitten a person, provisions for the notification of the animal control officer in the locality where the bite occurred. The procedures may differ based on the perceived public health threat determined in part by consideration of the following factors:

A. Whether the animal is a domesticated animal for which a known effective vaccine exists and, if so, ~~can whether~~ the animal's vaccination status can be verified; ~~and~~

B. Whether the animal has bitten a person or exhibited other aggressive behavior; and

C. Whether the animal is a wolf hybrid that has bitten or may have otherwise exposed a person or a domesticated animal to rabies.

2. Role of animal control officer; game warden. An animal control officer appointed in accordance with Title 7, section 3947; receiving a report of an animal suspected of having rabies shall ensure that the procedures established pursuant to this section and ~~section sections~~ 1313-A and 1313-B are carried out. If the animal is an undomesticated animal, other than a wolf hybrid, a game warden shall assist the animal control officer.

3. Costs associated with transportation, quarantine, testing and euthanasia. The Department of Inland Fisheries and Wildlife shall provide for or pay all necessary costs for transportation and euthanasia of an undomesticated animal suspected of having rabies. The owner of a domesticated animal or a wolf hybrid suspected of having rabies shall pay all costs for transportation, quarantine, euthanasia and testing of the animal. If a domesticated animal or a wolf hybrid is a stray or the owner is unknown, the municipality in which the animal was apprehended is responsible for transportation, quarantine, euthanasia and testing costs. Cost of testing animals judged by the department to have created a public health risk of rabies must be borne by the department, through its General Fund appropriations.

Sec. 2. 22 MRSA §1313-A, first ¶, as amended by PL 1997, c. 704, §11, is further amended to read:

If an undomesticated animal ~~or a wolf hybrid~~ suspected of having rabies bites or may have otherwise exposes exposed to rabies a person or a domestic animal, an animal control officer, a local health officer or a game warden ~~must shall~~ immediately ~~either~~ remove the undomesticated animal ~~or wolf hybrid~~ or cause the undomesticated animal ~~or wolf hybrid~~ to be removed and euthanized for testing. If a wolf hybrid suspected of having rabies bites or may have otherwise exposed to rabies a person or a domestic animal, an animal control officer, a local health officer or a law enforcement officer shall immediately cause the animal to be euthanized for testing. When in the judgment of the animal control officer, local health officer, game warden or law enforcement officer the animal poses an immediate threat to a person or domestic animal, the animal control officer, local health officer, game warden or law enforcement officer may immediately kill or order killed that animal without destroying the head. The Department of Inland Fisheries and Wildlife shall arrange for the transportation of the head to the State Health and Environmental Testing Laboratory, except that the animal control officer shall make the arrangements if the animal is a wolf hybrid.

Sec. 3. 22 MRSA §1313-B, sub-§2, as enacted by PL 1997, c. 704, §12, is amended to read:

2. Court authorization for removal. When home quarantine procedures, as described on the official notice of quarantine, have been violated, or in the case of a wolf hybrid, when the owner fails to bring the animal to a veterinarian for euthanasia and testing or to turn the animal over to authorities as required by rules established pursuant to this chapter, an animal control officer, person acting in that capacity or law enforcement officer ~~may~~ shall apply to the District Court or Superior Court for authorization to take possession of the animal for placement, at the owner's expense, in a veterinary hospital, boarding kennel or other suitable location for the remainder of the quarantine period or, in the case of a wolf hybrid, removal for euthanasia. At the end of the quarantine period for domestic animals, or if the animal shows signs of rabies, the person in possession of the animal ~~must~~ shall report to the court, and the court shall either dissolve the possession order or order the animal euthanized and tested for rabies.

See title page for effective date.

CHAPTER 134

S.P. 435 - L.D. 1249

An Act To Amend the Composition of the Maine Port Authority

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 5 MRSA §285, sub-§1, ¶F-6 is enacted to read:

F-6. Any employee of the Maine Port Authority;

Sec. 2. 5 MRSA §12004-F, sub-§8, as enacted by PL 1987, c. 786, §5, is amended to read:

8.

Maine Port Authority	\$25/Day	23 MRSA
	\$100/Meeting	§4420
	Plus Expenses	

Sec. 3. 5 MRSA §17001, sub-§40, as amended by PL 2005, c. 279, §3, is further amended to read:

40. State employee. "State employee" means any regular classified or unclassified officer or employee in a department, any employee of the Maine Community College System except those who make the election provided under Title 20-A, section 12722, any employee of the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf except as provided in Title 20-A, section 7407, subsection 3-A, any employee of the Maine Military Authority, any employee of the North-

ern New England Passenger Rail Authority, any employee of the Maine Port Authority and any employee transferred from the Division of Higher Education Services to the Finance Authority of Maine who elects to be treated as a state employee, but does not include:

A. A judge, as defined in Title 4, section 1201 or 1301, who is now or later may be entitled to retirement benefits under Title 4, chapter 27 or 29;

B. A member of the State Police who is now entitled to retirement benefits under Title 25, chapter 195; or

C. A Legislator who is now or later may be entitled to retirement benefits under Title 3, chapter 29.

Sec. 4. 23 MRSA §4421, as amended by PL 1983, c. 812, §147, is repealed and the following enacted in its place:

§4421. Directors; appointment; president; vacancy

The Maine Port Authority consists of a board of directors, referred to in this section as "the board." The board consists of 7 directors who must be broadly representative of the State and must have a background in international trade, marine transportation, finance or economic development. Five directors are appointed by the Governor, each to serve for 4 years. The Commissioner of Transportation serves as an ex officio member of the board and as chair of the board and president. The president of the Maine International Trade Center serves as an ex officio member of the board. The directors shall elect a vice-chair, treasurer and other officers as the board determines necessary. A vacancy must be filled for an unexpired term by the Governor.

1. Meetings of directors; compensation. All the powers of the Maine Port Authority may be exercised by the board in lawful meeting and a majority of the directors is necessary for a quorum. Regular meetings of the board may be established by bylaw, and notice need not be given to the directors of a regular meeting. Each director, other than those who serve ex officio, is entitled to compensation in the amount of \$100 per board meeting plus expenses, but only if the compensation is provided solely from the revenues of the Maine Port Authority.

2. Actions at law or in equity. Actions at law or in equity in the courts of this State or before the Public Utilities Commission or Workers' Compensation Board may be brought by or against the Maine Port Authority as if it were a private corporation, except that its property may not be attached, trustee or sequestered, but, if a judgment recovered against it is not paid within 30 days, its personal property may be seized on execution.

Sec. 5. 23 MRSA §4430 is enacted to read: